

FOURTEENTH DAY

(Tuesday, June 22, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

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| Mr. Speaker | Howard |
| Adkins | Huddleston |
| Alexander | Hull |
| Alsup | Jackson |
| Amos | James |
| Baker | Johnson of Ellis |
| Bates | Johnson |
| Beckworth | of Tarrant |
| Bell | Jones of Angelina |
| Blankenship | Jones of Atascosa |
| Boethel | Jones of Falls |
| Boyer | Jones of Wise |
| Bradbury | Keefe |
| Bradford | Keith |
| Bridgers | Kelt |
| Broadfoot | Kenyon |
| Brown | Kern |
| Burton | King |
| Cagle | Knetsch |
| Callan | Langdon |
| Carssow | Lankford |
| Cathey | Lanning |
| Cauthorn | Leath |
| Celaya | Leonard |
| Cleveland | Leyendecker |
| Colquitt | Little |
| Davis of Jasper | Loggins |
| Davison of Fisher | London |
| Davisson | Lucas |
| of Eastland | Mann |
| Deglandon | Mauritz |
| Derden | Mays |
| Dickison | McConnell |
| Dollins | McDonald |
| England | McFarland |
| Farmer | McKee |
| Felty | Metcalfe |
| Fielden | Moffett |
| Fox | Monkhouse |
| Fuchs | Morris |
| Gibson | Morse |
| Graves | Newton |
| Hamilton | Palmer |
| Hankamer | Patterson of Mills |
| Hanna | Patterson |
| Harbin | of Travis |
| Hardin | Petsch |
| Harper | Pope |
| Harrell | Powell |
| Harris of Archer | Prescott |
| Harris of Dickens | Reed of Bowie |
| Herzik | Reed of Dallas |
| Holland | Rhodes |
| Hoskins | Riddle |

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| Roark | Stinson |
| Ross | Stocks |
| Russell | Talbert |
| Rutta | Tarwater |
| Schuenemann | Tennant |
| Settle | Tennyson |
| Sewell | Thornberry |
| Sharpe | Thornton |
| Shell | Vale |
| Simpson | Waggoner |
| Skaggs | Walker |
| Smith of Hopkins | Weldon |
| Smith | Westbrook |
| of Matagorda | Winfree |
| Smith of Tarrant | Wood |
| Stevenson | Worley |

Absent

| | |
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| Dean | Nicholson |
| Hartzog | Ragsdale |
| McKinney | |

Absent—Excused

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| Bond | McCracken |
| Davis of Haskell | Oliver |
| Harris of Dallas | Quinn |
| Heflin | Reader |
| Hyder | |

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Bond for today, on motion of Mr. England.

Mr. Harris of Dallas for today, on motion of Mr. Boyer.

Mr. Reader for today, on motion of Mr. McFarland.

Mr. Oliver for today, on motion of Mr. Westbrook.

Mr. McCracken for today, on motion of Mr. Winfree.

Mr. Hyder for today, on motion of Mr. Harris of Dickens.

Mr. Huddleston for today, on motion of Mr. Prescott.

Mr. Rhodes temporarily for this morning, on motion of Mr. Fuchs.

Mr. Fielden for this afternoon and tomorrow, on motion of Mr. Knetsch.

Mr. Davisson of Eastland for this afternoon and tomorrow, on motion of Mr. Prescott.

Mr. Kern for this afternoon and tomorrow, on motion of Mr. Smith of Matagorda.

The following Member was granted leave of absence on account of illness:

Mr. Davis of Haskell for today, on motion of Mr. Jones of Falls.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Burton and Mr. England:

H. B. No. 68, A bill to be entitled "An Act ratifying, confirming and validating all Acts of County Boards of Trustees in laying out or attempting to establish, combine, abolish or change any independent or common school districts, and all elections held in any county in this State for the purpose of laying out, establishing, combining, abolishing or changing any such independent or common school districts; providing that contest may be filed within thirty (30) days after the effective date of this Act; providing this Act shall not affect districts which may be in litigation at this time, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Cagle, Mr. Simpson, Mr. Derden, Mr. Cathey, Mr. Hyder, Mr. Settle, Mr. Rutta, Mr. Powell, Mr. Loggins, Mr. Bradbury, Mr. Kern, Mr. Alsup, Mr. Fielden, Mr. Harris of Archer, Mr. Smith of Matagorda, Mr. Moffett, Mr. Alexander, Mr. Jones of Atascosa, Mr. Amos, Mr. Waggoner, Mr. Hoskins, Mr. Johnson of Tarrant, Mr. Morris, Mr. Smith of Tarrant, Mr. Nicholson, Mr. James, Mr. Smith of Hopkins, Mr. Tennyson, Mr. Lankford, Mr. Vale, Mr. Skaggs, Mr. Hull, Mr. Talbert, Mr. Celaya, Mr. Stocks, Mr. Harrell, Mr. Petsch, Mr. Lucas, Mr. Rhodes, Mr. Hardin, Mr. Sharpe, Mr. King, Mr. Reed of Bowie, Mr. Broadfoot, Mr. Kelt, Mr. Holland, Mr. Beckworth, Mr. Patterson of Travis, Mr. Mauritz, Mr. Reed of Dallas, Mr. Pope, Mr. Shell, Mr. Weldon, Mr. Herzik, Mr. Jones of Angelina, Mr. Hartzog, Mr. Ragsdale, Mr. Russell, Mr. Dickison, Mr. Prescott, Mr. Davisson of Eastland, Mr. Knetsch, Mr. Roark, Mr. Oliver, Mr. Deglandon, Mr. Bridgers, Mr. Westbrook, Mr. Davis of Jasper, Mr. Davis of Haskell, Mr. Fuchs, Mr. Tarwater, Mr. Winfree, Mr. Ad-

kins, Mr. Cauthorn, Mr. Mays, Mr. Newton, Mr. England, Mr. Jones of Falls, Mr. Keefe, Mr. Palmer, Mr. McKinney, Mr. Leyendecker, Mr. Gibson, Mr. Baker, Mr. Wood, Mr. Mann, Mr. Lanning, Mr. Harbin, Mr. Harris of Dickens and Mr. Johnson of Ellis:

H. B. No. 69, A bill to be entitled "An Act to amend Article 305, Revised Civil Statutes, 1925, pertaining to candidates applying for examination to practice law; fixing the educational qualifications for applicants for examination; authorizing the Board to waive certain rules of the Supreme Court; providing for liberal construction of certain provisions of this Act; authorizing recommendation of local bar associations in connection with the examination of applicants; providing for recommendations where no bar association exists in county of residence of applicant; and making such recommendation to prevail, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Leonard and Mr. Celaya:

H. B. No. 70, A bill to be entitled "An Act to amend House Bill No. 557, Acts of the Regular Session, Forty-fifth Legislature, by striking out all of Sections 9, 9a, 9b, and 9c, and substituting in lieu thereof a new section to be Section 9; fixing the administration of House Bill No. 557, Acts of Regular Session, Forty-fifth Legislature and House Bill No. 99, Acts of Regular Session, Forty-fifth Legislature by repealing Section 26 of said bill; providing for the giving of a surety bond of Five Thousand (\$5,000.00) Dollars, contingent upon faithful performance of all provisions of House Bill No. 99, Acts, Regular Session, Forty-fifth Legislature and House Bill No. 557, Acts, Regular Session, Forty-fifth Legislature, and the licensing of any person under both Acts on the payment of only one license fee, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Pope:

H. B. No. 71, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legis-

lature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws, passed at the Second Called Session of the Forty-second Legislature, relating to the appointment and compensation of County Auditors in counties containing a population of thirty-five thousand inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million Dollars, according to the last approved tax rolls; and providing for additional compensation for the County Auditors in such counties having more than 200,000 population and not more than 300,000 population according to the last Federal Census where there is a city and county hospital to care for city and county patients, and where a financial record for such hospital must be kept and reports made to the city and county; and providing for compensation for the County Auditors in such Counties having more than 51,000 population and less than 52,000 population, according to the last Federal Census; the salary of such County Auditor shall be \$4,800.00, to be paid monthly out of the General Revenue of the County upon an order of the Commissioners' Court; and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Colquitt, Mr. Stinson, Mr. Reed of Dallas, Mr. Blankenship and Mr. Hanna:

H. B. No. 72, A bill to be entitled "An Act providing for the posting of legal notices at some place within the Court House to be designated by the Commissioners Court in counties having a population of from three hundred twenty-five thousand to three hundred thirty thousand according to the last Federal Census; and making this Act cumulative of all laws on the subject of posting of notices wherever such posting is required by law; and providing for the designation of the place or places where such notices shall be posted.

Referred to the Committee on Counties.

By Mr. James:

H. B. No. 73, A bill to be entitled "An Act providing for the maximum amount of fees that may be retained by the Assessor-Collector of taxes in all counties having a population of not less than 13,350 and not more than 13,440, according to the most recent available Federal Census and each available Federal Census thereafter; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Ragsdale:

H. B. No. 74, A bill to be entitled "An Act to provide a more adequate and equitable salary for county superintendents of public instruction in certain counties; providing for traveling expenses and office expenses for said officers; repealing all laws and parts of laws in conflict, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Powell:

H. B. No. 75, A bill to be entitled "An Act to repeal Section 8a of Chapter 95, Acts of the Regular Session of the Forty-fourth Legislature, for the purpose of abolishing the office of an Assistant District Attorney to represent the State in criminal prosecutions as provided for in said Section; to provide that it shall be the duty of the District Attorney of the Ninth Judicial District of Texas to represent the State in all cases in the Special Ninth District Court of Montgomery, Polk and San Jacinto Counties, wherein the State of Texas is a party, and for the County Attorney to represent the State in said Court in their respective counties in such cases in certain contingencies, and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Metcalfe:

H. B. No. 76, A bill to be entitled "An Act validating, ratifying, confirming and legalizing all Time Warrants heretofore authorized by the governing bodies of Independent School Districts in the State of Texas having a scholastic enumeration of not less than 769 and not more than 775 according to the last preceding

scholastic enumeration, validating all proceedings heretofore had in connection with the issuance of such Time Warrants, including the levy of and provision for a tax for the payment of principal and interest on said Time Warrants as the same mature, and authorizing such governing bodies of said Independent School Districts to do any and all things necessary and requisite in the issuance, sale and delivery of said Time Warrants; providing that such Time Warrants, when issued and delivered, shall constitute legal and binding obligations of such Independent School Districts; providing that this Act shall not apply to any proceedings or Time Warrants, the validity of which is being contested in any suit pending at the effective date of this Act, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Beckworth:

H. B. No. 77, A bill to be entitled "An Act providing that all instruments required to be recorded under the provisions of Article 6630, R. C. S. 1925 shall be permanently filed by the county clerk with whom filed; providing that same may not be taken from the files of the county clerk by any person for any person and prescribing a penalty therefor."

Referred to the Committee on Judiciary.

By Mr. Pope:

H. B. No. 78, A bill to be entitled "An Act conferring authority on State Parks Board to acquire for use as a public park a tract of land situated on Padre Island; prescribing the terms and conditions under which such purchase can be made; authorizing the State Highway Commission to construct, maintain, and operate certain bridges and causeways adequate within its opinion for ingress and egress to such Island; etc., and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Harper and Mr. Wood:

H. B. No. 79, A bill to be entitled "An Act to amend House Bill No. 804, Regular Session, Forty-fifth Legislature by providing for the transportation of fish in one container under certain specified conditions."

Referred to the Committee on Game and Fisheries.

BILLS ORDERED NOT PRINTED

On motion of Mr. Hartzog, House Bill No. 67 was ordered not printed.

On motion of Mr. Lankford, House Bill No. 32 was ordered not printed.

On motion of Mr. Schuenemann, Senate Bill No. 17 was ordered not printed.

On motion of Mr. Morse, Senate Bill No. 11 was ordered not printed.

On motion of Mr. Lucas, Senate Bill No. 19 was ordered not printed.

On motion of Mr. Leyendecker, House Bill No. 52 was ordered not printed.

On motion of Mr. Pope, House Bill No. 71 was ordered not printed.

On motion of Mr. Boethel, House Bill No. 58 was ordered not printed.

On motion of Mr. Leonard, House Bill No. 70 was ordered not printed.

On motion of Mr. Blankenship, House Bill No. 27 was ordered not printed.

On motion of Mr. Colquitt, House Bill No. 72 was ordered not printed.

On motion of Mr. Bradford, House Bill No. 43 was ordered not printed.

On motion of Mr. Dickison, House Bill No. 47 was ordered not printed.

On motion of Mr. London, House Bill No. 48 was ordered not printed.

On motion of Mr. Felty, House Bill Nos. 54 and 55 were ordered not printed.

On motion of Mr. Kenyon, Senate Bill No. 15 was ordered not printed.

On motion of Mr. James, House Bill No. 73 was ordered not printed.

On motion of Mr. Skaggs, Senate Bill No. 16 was ordered not printed.

On motion of Mr. Skaggs, House Bill No. 57 was ordered not printed.

On motion of Mr. Hull, House Bills Nos. 25 and 33 were ordered not printed.

ADDITIONAL SIGNER OF HOUSE BILL NO. 40

By unanimous consent of the House, the following Member was authorized to sign bill, as co-author of same, as follows:

Mr. McDonald, House Bill No. 40.

TO EXPRESS LEGISLATIVE
INTENT IN REGARD TO
CERTAIN BILL

Mr. Waggoner offered the following resolution:

H. C. R. No. 26, To express legislative intent in regard to certain bill.

Whereas, The Old Age Assistance Commission and the Director thereof, in passing upon the eligibility of applicants for Old Age Assistance, are considering the cash surrender value and the loan value of life insurance policies held by said applicants as a resource or means of support; and

Whereas, As authority for such interpretation evidently have taken into consideration Section 4 of House Bill No. 8 passed at the Third Called Session of the Forty-fourth Legislature, which section reads as follows:

"Sec. 4. In determining the eligibility of an applicant for assistance under this Act, it shall be the duty of the Commission to consider and take into account all facts and circumstances surrounding the applicant, including his earning capacity and his opportunity to obtain support from other sources, and if from all the facts and circumstances the applicant does not appear to be in a needy and necessitous condition, assistance shall be denied. In calculating income and resources of the applicant, the Commission shall take into account all money received by gift, devise or descent;" and

Whereas, Life insurance policies are not liquid securities and do not pay dividends of any considerable amount; and

Whereas, The cash surrender or the loan values of life insurance policies are very small and inconsequential compared to the death benefits provided for under said policies; and

Whereas, Cash surrender values and loan values of life insurance policies are not marketable at a value that would warrant said holder in either availing himself or herself of the loan on said policies or of accepting the cash surrender values provided therein; and

Whereas, Such interpretation of House Bill No. 8 has a tendency to compel the holders of such policies to cash their policies at trifling figures compared to the value of said policies in order to support themselves or to make loans on their policies of small and inadequate amounts

causing said applicants to be compelled, if the loan value is secured, to pay an annual interest on said loan; and

Whereas, Life insurance policies should be preserved to the applicants as an asset available at the time of death to give such applicants decent and Christian burial and to pay for the expenses of last illness; and

Whereas, It never was the intention of the Legislature to interpret Section 4 of House Bill No. 8 or any other provision of said House Bill No. 8 as warranting any such interpretation; and

Whereas, Such interpretation, if pursued, will render ineligible many worthy, needy people of this State who could otherwise qualify under the provisions of this Act; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Legislature of Texas express the intention of the Legislature in passing House Bill No. 8, and especially the provisions of Section 4 and any other provisions of the Act which are at present interpreted as warranting consideration of loan values and cash surrender values of life insurance policies, as never being the intention of the Legislature in passing said Act and that the legislative intent is hereby expressed that such cash surrender values and loan values of life insurance policies shall not be considered for any purpose in passing upon eligibility of an applicant for Old Age Assistance, and it is so resolved.

WAGGONER,
CATHEY.

The resolution was read second time, and was adopted.

TO INSTRUCT THE STATE
HEALTH OFFICER TO
MAKE CERTAIN
INVESTIGATION

Mr. Cathey offered the following resolution:

Whereas, In East Texas in the tomato-growing section and in other places where tomatoes are grown extensively by the farmers; and

Whereas, Growers are culling their tomatoes, picking out the defective ones, dumping them along the highways in gullies and other places to get them out of their way; and

Whereas, Truckers have come along

picking up said culled tomatoes that have been discarded on account of spots and other defects in them, and take them to market and sell them at reduced prices; and

Whereas, Such practice is against the laws of health, liable to cause diseases, besides outrageous in beating down the market price for said culls; therefore, be it

Resolved by the House of Representatives, That the Health Officer and those who are in charge of the health program in Texas be asked to investigate such practice and prosecute those who are guilty of the above set-out complaints and to do investigating and see that such practices are immediately stopped; and, be it further

Resolved, That a copy of this Resolution be sent immediately by the Chief Clerk to the State Health Officer.

CATHEY,
JOHNSON of Ellis,
TALBERT,
BECKWORTH.

The resolution was read second time, and was adopted.

TO PROVIDE FOR APPOINTMENT OF A COMMITTEE TO INVESTIGATE CERTAIN FUND

Mr. Pope offered the following resolution:

Whereas, The late law regulating pari-mutuel wagering on horse races in Texas is now "Gone with the Wind"; and

Whereas, The Governor of this State, by a message to the Legislature is now leading the State-owned Jacks and Stallions out of the State stable with a view of disposing of such animals and destroying said stables with the purpose of wiping from memory all things connected with said law; and

Whereas, There was collected by the languishing Racing Commission and its predecessors a large fund known as the Jockey Fund; and

Whereas, It has been currently stated that some of said fund was disposed of according to law; some of it was dissipated and some of it got away and some of it is alleged yet to remain in an Austin bank and unless disposed of by law it will be lost to the owners thereof; and

Whereas, The State of Texas is

the heir apparent to such undisposed of fund; therefore, be it

Resolved by the House, That the Speaker of the House appoint a committee of three House Members to investigate such fund as it now exists, as it heretofore existed, by what authority it was collected, how it was disposed of, whether lawfully or unlawfully, ascertain the interest of the State therein, from its inception until now, and report back to the House at its earliest opportunity to the end that this Legislature may make proper disposition of any moneys remaining therein and provide adequate procedure for the recovery of any such money which may have been illegally disposed of; and, be it further

Resolved, That said Committee have use of the House employees for the securing of witnesses and the taking and reporting of the testimony; to compel the attendance of witnesses and to administer oaths and to conduct the investigation under such rules as are usually invoked under similar resolutions as this.

The resolution was read second time.

On motion of Mr. Jones of Wise, the resolution was referred to the Committee on State Affairs.

CONCERNING CEMENT CONTRACTS

Mr. Petsch offered the following resolution:

Whereas, By virtue of the fact that the statistics and records of the State Board of Control, the Texas Highway Department and the testimony produced before the investigating committee heretofore appointed by the House of Representatives conclusively establish that a combination has been formed between the cement manufacturers of the State of Texas relating to the matter of furnishing cement to, and the fixing prices to the State Highway Department; and

Whereas, Such records and evidence conclusively establish that all of such cement manufacturers are refusing to sell directly to the State Highway Department the cement used by the Department in the operation of its Maintenance Division; and

Whereas, The Highway Department of the State indirectly is also a purchaser of great quantities of Texas cement used in the construction of

road work based on Department contracts, and the total amount of cement used by the Highway Department and under its contracts during the past seven years has amounted to approximately ten million barrels; and

Whereas, It is apparent by virtue of such facts, that an enormous tribute has been levied upon the people of Texas on account of existing price combination among the Texas cement manufacturers; and

Whereas, It may be reasonably assumed that if the State Highway Department were to specify in its contracts for construction work that the Department will furnish the cement required under the provisions of its contracts, the State would become a potential purchaser of approximately one million five hundred thousand barrels of cement a year; and

Whereas, It appears that the anti-trust laws of the State of Texas are in such condition as to make their enforcement doubtful; and

Whereas, The evidence establishing the combination between the cement manufacturers of Texas to a sufficient certainty as to make a case in court is also a doubtful matter; and

Whereas, The only apparent remedy of the State Highway Department under the present situation is for the Department to go into the open market with a view of securing actual competition in the matter of furnishing the Department with cement needed in the construction and repair of Texas roads; therefore, be it

Resolved, That the Highway Commission of the State of Texas is hereby instructed from and after the earliest practical date, to specify in all of its contracts that the State Highway Department will furnish the contractor with all necessary cement; and, be it further

Resolved, That the State Highway Department, acting through the State Board of Control, advertise for bids on cement needed by the Department for three months periods, and that in asking for bids said State Agency be expressly instructed to received bids, not only from Texas manufacturers but also out-of-State and foreign manufacturers and brokers; and, be it further

Resolved, That the State Highway Department secure facts and figures establishing the cost of erecting a

state owned cement factory, the labor problems involved, and the approximate per barrel cost that such cement could be manufactured in a State owned plant.

The resolution was read second time.

On motion of Mr. Colquitt, the resolution was referred to the Committee on Highways and Motor Traffic.

RELATIVE TO CONSIDERATION OF RESOLUTIONS

Mr. Alexander raised a point of order, on the further consideration of resolutions, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Smith of Tarrant moved that the Rule, relative to the time allotted for the consideration of resolutions, be suspended for the purpose of offering certain resolution.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—73

| | |
|-------------------|--------------------|
| Adkins | Jones of Angelina |
| Alsop | Jones of Atascosa |
| Amos | Jones of Falls |
| Baker | Kelt |
| Bates | Kern |
| Beckworth | King |
| Bell | Lankford |
| Blankenship | Lanning |
| Bradbury | Leath |
| Bradford | Leyendecker |
| Bridgers | Little |
| Carssow | Loggins |
| Colquitt | Lucas |
| Davis of Jasper | Mann |
| Davisson • | Mauritz |
| of Eastland | McConnell |
| Deglandon | McKee |
| Derden | Moffett |
| Dickison | Monkhouse |
| Dollins | Morse |
| Farmer | Newton |
| Fielden | Patterson of Mills |
| Fuchs | Pope |
| Hanna | Powell |
| Harbin | Reed of Bowie |
| Harrell | Roark |
| Harris of Dickens | Ross |
| Herzik | Russell |
| Holland | Schuenemann |
| Huddleston | Sewell |
| Hull | Shell |
| James | Smith of Hopkins |
| Johnson of Ellis | Smith of Tarrant |
| Johnson | Stevenson |
| of Tarrant | Talbert |

Tennyson
Weldon
Westbrook

Winfree
Wood

Nays—44

| | |
|-------------------|----------------|
| Alexander | Knetsch |
| Boethel | Langdon |
| Boyer | London |
| Broadfoot | McFarland |
| Burton | Metcalf |
| Cagle | Morris |
| Callan | Patterson |
| Cauthorn | of Travis |
| Cleveland | Petsch |
| Davison of Fisher | Reed of Dallas |
| England | Rutta |
| Felty | Simpson |
| Fox | Skaggs |
| Gibson | Smith |
| Graves | of Matagorda |
| Hamilton | Stinson |
| Hankamer | Stocks |
| Hardin | Tarwater |
| Harris of Archer | Tennant |
| Hoskins | Thornberry |
| Howard | Thornton |
| Jackson | Walker |
| Jones of Wise | Worley |

Absent

| | |
|---------|-----------|
| Brown | McDonald |
| Cathey | McKinney |
| Celaya | Nicholson |
| Dean | Palmer |
| Harper | Prescott |
| Hartzog | Ragsdale |
| Keefe | Riddle |
| Keith | Settle |
| Kenyon | Sharpe |
| Leonard | Vale |
| Mays | Waggoner |

Absent—Excused

| | |
|------------------|-----------|
| Bond | McCracken |
| Davis of Haskell | Oliver |
| Harris of Dallas | Quinn |
| Heflin | Reader |
| Hyder | Rhodes |

MESSAGE FROM THE SENATE

Austin, Texas, June 22, 1937.

- Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Committee on Criminal Jurisprudence of the Senate reported adversely and the Senate refused to print on minority report the following:

S. B. No. 7, A bill to be entitled "An Act providing that the Supreme Court, or any Court of Civil Appeals, shall have the power, or au-

thority, or jurisdiction to issue the writ of mandamus against a peace officer, or magistrate, (except magistrates of appellate courts), as defined by the Laws of this State, or against any court or district attorney, to compel the performance of any act, or duty, which such peace officer, magistrate or district or county attorney is required by law to perform, and declaring an emergency."

Motion to reconsider the vote by which Senate refused to print on minority report was tabled.

Has adopted the following:

H. C. R. No. 3, Granting R. F. Davis of El Paso, Texas, permission to sue State.

H. C. R. No. 8, Granting H. J. Birdsong permission to sue the Highway Department.

H. C. R. No. 19, Granting H. H. Friar permission to sue the State.

H. C. R. No. 20, Granting H. S. Wilde permission to sue the State.

Has sustained a point of order against House Concurrent Resolution No. 6.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 17 ON PASSAGE
TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 17, A bill to be entitled "An Act providing for the injunction at the suit of either the State or any citizen thereof to stop or prohibit the use of any premises, place or building or part thereof for the purpose of gaming or keeping or exhibiting games or for use as bawdy or disorderly house or for carrying on bucket shops or for the business of pool selling or bookmaking as prohibited by the Penal Code or any law of this State, declaring such places a nuisance and providing for cost, penalties and attorneys' fees and prescribing procedure to be followed; providing for lien for cost and attorneys' fees, and repealing Article 4667 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The bill having heretofore been read second time with committee amend-

ment and amendment by Mr. Broadfoot to the committee amendment, pending.

Mr. Hanna moved that the bill be laid on the table subject to call.

Mr. Jones of Atascosa moved that the bill be laid on the table.

The motion of Mr. Jones of Atascosa prevailed.

HOUSE BILL NO. 16 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 16, A bill to be entitled "An Act providing that the Supreme Court, or any Court of Civil Appeals, shall have power, or authority, or jurisdiction to issue the writ of mandamus against a peace officer, or magistrate (except magistrates of appellate courts), as defined by the laws of this State, or against any county or district attorney, to compel the performance of any act, or duty, which such peace officer, magistrate or district or county attorney is required by law to perform, and declaring an emergency."

The bill was read third time.

On motion of Mr. Jones of Atascosa, the bill was laid on the table.

HOUSE BILL NO. 19 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 19, A bill to be entitled "An Act to amend Article 619 of Chapter 6, Title 11, Penal Code of the State of Texas, as enacted in 1925, and declaring an emergency."

The bill was read second time.

Mr. Kenyon raised a point of order, on consideration of the bill, on the ground that the bill does not come within the Governor's call.

The Speaker sustained the point of order.

HOUSE BILL NO. 21 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 21, A bill to be entitled "An Act to amend Article 543 of the Penal Code of this State by omitting all of said Article after the words

'hedge contract', and to add Article 543a defining a hedge contract; and to amend Article 545 of said Code as to what shall constitute a prima facie case in prosecutions for the violation of law as to dealing in future; and to add Article 545a defining certain terms used herein; providing certain taxes, and declaring an emergency."

The bill was read second time.

Mr. Jones of Falls raised a point of order, on consideration of the bill, on the ground that the bill does not come within the Governor's call.

Mr. Thornton raised the following point of order:

Mr. Speaker:

We raise the point of order against House Bill No. 21 and the committee amendment thereto that they are not within the Governor's call. House Bill No. 21, and the committee amendment thereto, is an act defining "bucket shops", regulating their operation, and providing certain taxes. Each and all subjects contained therein were not submitted by the Governor and are, therefore, not within the Governor's call.

THORNTON,
BOETHEL.

The Speaker sustained the points of order that the bill contains subject matter not submitted by the Governor.

RECESS

On motion of Mr. Harris of Dickens, the House, at 12:05 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Skaggs, Mr. McKee, Mr. Talbert and Mr. Kern were granted leaves of absence for this afternoon and tomorrow, on account of important business, on motion of Mr. Knetsch.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and

referred to the appropriate committees, as follows:

By Mr. Settle:

H. B. No. 80, A bill to be entitled "An Act amending Chapter 206, of the Regular Session of the Forty-first Legislature authorizing the Board of Directors of Texas Technological College to erect and equip and make contracts for the erection and equipping of dormitories, other buildings and improvements on the campus; to enter into contracts with municipalities or school districts for joint construction of museums, or such other buildings as may be necessary; to issue obligations under the limitations herein prescribed and to pledge the rents, revenues and incomes from the operation of such improvements to be erected hereunder, and/or then owned for the repayment of said obligations; and all other rents, revenues and incomes from every source, except appropriations made by the Legislature for a particular specific purpose; to establish and maintain such schedule of rates, fees and charges for the use of facilities afforded by its dormitories, other buildings, and improvements and revenues from athletic fields and stadiums, as necessary for payment of principal and interest of indebtedness; providing that in the erection of such buildings and improvements or in contracting therefor no indebtedness shall be incurred against the State of Texas; repealing all laws and parts of laws in conflict with the provisions of this Act and providing that if any sections, provisions or portions of this Act be held invalid that the same shall not affect the remaining sections, provisions or portions thereof, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Carssow and Mr. Johnson of Tarrant:

H. B. No. 81, A bill to be entitled "An Act to authorize persons, firms and corporations to form associations or organizations to be known as Live-stock Exchanges; to make and enforce reasonable rules and regulations for the government of such exchanges and its members, and providing penalties for violation of such rules; and to declare an emergency."

Referred to the Committee on Live-Stock and Stock Raising.

By Mr. King:

H. B. No. 82, A bill to be entitled "An Act amending Acts of 1935, Forty-fourth Legislature, Special Laws, page 1210, Chapter 45, prohibiting transportation of minnows of any and all species outside of the counties wherein such minnows are caught, seined, or taken, by adding thereto the Counties of Parker, Jack, and Young, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Wood and Mr. Harper:

H. B. No. 83, A bill to be entitled "An Act making it lawful for a person or persons to gig certain fish within the waters of Caddo Lake in Harrison and Marion Counties."

Referred to the Committee on Game and Fisheries.

By Mr. Keefe:

H. B. No. 84, A bill to be entitled "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Anderson County during the months of December and January; making it unlawful to take pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; making certain exceptions; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

BILLS ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Jones of Angelina, House Bill No. 46 was ordered not printed.

On motion of Mr. Knetsch, Senate Bill No. 25 was ordered not printed.

MESSAGE FROM THE SENATE

Austin, Texas, June 22, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 14, A bill to be entitled "An Act to provide that where cities with a population of not less than two hundred forty-five thousand

(245,000) nor more than two hundred seventy-five thousand (275,000) according to the last preceding Federal Census, have issued and sold bonds and there remains on hand in the treasury of such city an unexpended balance of bond funds after the completion of the work and improvements for which such bonds were voted, that such bond funds may be used for the purpose of acquiring a site or sites and for the constructing and establishing a sewerage disposal plant or system of sanitary sewers; etc., and declaring an emergency."

S. B. No. 13, A bill to be entitled "An Act providing that in all counties in this State containing a population of not less than three hundred twenty-five thousand (325,000) nor more than three hundred forty-five thousand (345,000), according to the last preceding and each succeeding Federal Census, relative to fines, etc., and declaring an emergency."

S. B. No. 22, A bill to be entitled "An Act providing for the validation of the organization and establishment of water improvement districts situated within a water power control district organized under Section 29 of Chapter 76, Acts of the Forty-third Legislature, and declaring an emergency."

S. B. No. 25, A bill to be entitled "An Act providing that no county having a population of not less than twenty-eight thousand seven hundred (28,700), nor more than twenty-nine thousand (29,000), according to the last preceding, or future Federal Census, shall have a county auditor; etc., and declaring an emergency."

S. B. No. 27, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Thousand (\$100,000.00) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members, etc., and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

IN COMMITTEE OF THE WHOLE HOUSE

(Mr. Knetsch in the Chair.)

On motion of Mr. Morris, the House, at 2:35 o'clock p. m., resolved itself into a Committee of the Whole

House for the purpose of considering matters in regard to Old Age Assistance, and to carry out the provisions of House Simple Resolution No. 16, heretofore adopted.

IN THE HOUSE

(Mr. Knetsch in the Chair.)

At 4:50 o'clock p. m., Mr. Knetsch, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave of the House for the Board of Managers to hear Mr. Spears, or any other witness, at their convenience.

(Speaker in the Chair.)

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor:

Austin, Texas, June 22, 1937.

To the Members of the Forty-fifth Legislature (In 1st Called Session):

I hereby submit for your consideration a bill by Representatives Derden and Cagle to amend Article 305, Revised Civil Statutes of 1925.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 22, to the Committee on Conservation and Reclamation.

Senate Bill No. 25, to the Committee on Counties.

Senate Bill No. 27, to the Committee on Appropriations.

Senate Bill No. 13, to the Committee on Counties.

Senate Bill No. 14, to the Committee on Municipal and Private Corporations.

ADJOURNMENT

On motion of Mr. Howard, the House, at 5:00 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

State Affairs: House Bill No. 55.

Counties: Senate Bills Nos. 16 and 25; House Bills Nos. 25, 33, 49, 54, 57, 58, 71 and 72.

Municipal and Private Corporations: House Bills Nos. 34 and 37.

Education: Senate Bill No. 18; House Bills Nos. 31, 68, 74, 76 and 80.

Conservation and Reclamation: House Bill No. 60.

Judiciary: House Bills Nos. 61 and 69.

Criminal Jurisprudence: House Bill No. 26.

Appropriations: House Bill No. 70.

Highways and Motor Traffic: Senate Bill No. 15; and House Bill No. 48.

Liquor Traffic: Senate Bill No. 20.

Game and Fisheries: House Bills Nos. 62 and 67.

School Districts: House Bill No. 46.

Public Lands and Buildings: House Bill No. 78.

Judicial Districts: House Bill No. 75.

Live Stock and Stock Raising: House Bill No. 81.

The following committee filed an adverse report on bill, as follows:

Criminal Jurisprudence: House Bill No. 53.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 12, A bill to be entitled "An Act authorizing the Commissioner of Agriculture to dispose of all jacks and stallions now owned by the State of Texas which were purchased out of the special Jack and Stallion Fund and the Special Racing Fund as created under Chapter 10, Acts of the First Called Session, Forty-third Legislature, and further amended by

Chapter 344, Acts of the Forty-fourth Legislature, Regular Session; providing for the disposition of all defective or unfit animals by the Board of Control; providing for apportionment of all funds now on hand and to the credit of the Special Racing Fund which have accumulated since January 1, 1937; providing for the repeal of all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 16, A bill to be entitled "An Act providing that the Supreme Court, or any Court of Civil Appeals, shall have power, or authority, or jurisdiction to issue the writ of mandamus against a peace officer, or magistrate (except magistrates of appellate courts), as defined by the laws of this State, or against any county or district attorney, to compel the performance of any act, or duty, which such peace officer, magistrate or district or county attorney is required by law to perform, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 3, Granting R. F. Davis of El Paso County, Texas, permission to sue the University of Texas or granting the University of Texas permission to enter into an agreement with said R. F. Davis.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 6, Instructing the Board of Control to make arrangements to move into the Confederate

Home whatever State Departments for which there is room.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 8, Granting H. J. Birdsong permission to bring suit against the State of Texas and the Highway Department of the State of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 19, Granting H. H. Friar permission to sue the State.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 20, Granting H. S. Wilde of Muenster, Cooke County, Texas, permission to sue the State of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

In Memory of Mr. R. W. Persons

Mr. McDonald offered the following resolution:

Whereas, Death is no respecter of persons, and as the years pass and age creeps up with unerring certainty, and the inescapable edict of the Grim Reaper falls, much as we may seek to defer it; and

Whereas, Mr. R. W. Persons of Bryan, Texas, died on Sunday evening, June 13; and

Whereas, Mr. Persons was one of the outstanding agricultural and religious leaders of Texas; having been a resident of Bryan for nearly twenty years, while he was connected with the Extension Service at A. and M. College, and these years served to cement strong friendships linked with highest esteem and pleasant associations, now broken by the passing of Mr. Persons.

Born in Florence, Georgia, in 1868, Remus Walton Persons was 68 years, 11 months, and 9 days of age. Serving for the past nineteen years in the work of the Extension Service, Mr. Persons proved himself a potent factor in the great educational program carried over this State by that army of workers. Speaking of his efficiency, Monday morning as friends stood sorrowfully in his late home on West 29th Street, his co-workers made the statement that "R. W. Persons was the best informed man on all subjects of our work holding a place on the staff." As district agent, District No. 10, Extension Service Work, which includes that section of the State from San Antonio to the coast in the southwest, Mr. Persons labored to the time of his last illness, and today, friends from that section in great numbers came to pay the last tribute to his memory; and

Whereas, Throughout his life Mr. Persons was recognized as a Christian gentleman, a civic-minded, patriotic citizen, and a man that was unselfish in his efforts to build up the community in which he lived, and a man who reflected honor upon his city and State; therefore, be it

Resolved by the House of Representatives of the Forty-fifth Legislature, That we deplore the untimely death of Mr. R. W. Persons and express our sincere regrets to the members of his family, and that when the House adjourns today it do so in honor of his memory, and that a page of the Journal be set apart for the enrollment of this resolution and that a copy of this resolution be furnished to the members of his family.

The resolution was read second time.

Signed—Calvert, Speaker, Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davison of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Russell, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of
Hon. J. M. Stollenwerck, Sr.,

Mr. Hamilton offered the following resolution:

Whereas, It has pleased Almighty God to call from our midst the soul of our esteemed friend and brother, Honorable J. W. Stollenwerck, Sr., of Hillsboro, Texas; and

Whereas, His name is written upon the memorial pages of the House Journal, because of the excellent service he has rendered to the State of Texas as a valuable Member of the House of Representatives from 1900 to 1904, and as a distinguished lawyer of no mean ability he was prominent in social and civic affairs in his own community; and

Whereas, During such service he was found to be always diligent, ready, and willing to respond to the smallest as well as the more general appeal. He had practiced law since 1899, and was a prominent member of the Hillsboro Bar, well-liked, and always stood for the highest ideals of life, a prominent and influential member of the Methodist Church, and leaves to his wife and children a rich heritage; now, therefore, be it

Resolved, That the Members of the Forty-fifth Legislature express their deepest regrets at the passing of this outstanding statesman, loyal and worthy citizen; and, be it further

Resolved, That a copy of this resolution be spread on the Journal of today in memory of the deceased; and, be it further

Resolved, That the Chief Clerk of the House be instructed to send the family of the deceased copies of this resolution under the seal of the Chief Clerk of the House of Representatives.

HAMILTON,
CALVERT.

The resolution was read second time.

Signed—Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Petsch, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.